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### SCHERING-PLOUGH CORPORATION

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FAX NUMBER:

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FROM:

PHONE NUMBER:

Anita W. Magatti

908-298-5067

TOTAL NO. OF PAGES INCLUDING COVER

7 pages

November 29, 2005

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DATE

Examiner: Deepak R. Rao 10/761,977 Application No.

In re Application of: Deen Tulshian et al.

Patent for: High Affinity Ligands for Nociceptin Receptor ORL-1

Filed: 01/21/2004 Group Art Unit: 1624

Attorney Docket No.: CN0821KD

#### Dear Sir/Madam:

#### Transmitted herewith are:

- > Fax Cover Sheet (1 page)
- > Certificate of Fax Transmission sb97 (1 page)
- > Transmittal Form sb21 (1 page)
- Submission of Terminal Disclaimer (1 page)
- > Terminal Disclaimer to Obviate a Double Patenting (1 page)
- > Fee Transmittal sb17 (1 page) in duplicate

Attorney for Applicant, Reg. No. 29,825

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PHONE: 908-298-5067

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PAGE 1/7 \* RCVD AT 11/29/2005 12:52:58 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/29 \* DNIS:2738300 \* CSID:908 298 5405 \* DURATION (mm-ss):02-10

page 5 of

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Docket Number:

CN0821KD

Application No:

10/761977

Filing Date:

01/21/2004

Date

First Inventor: TULSHIAN, Deen NOV 2 9 2005

PTC/S8/97 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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Fax Cover Sheet (1 page) Certificate of Fax Transmission sb97 (1 page) Transmittal Form sb21 (1 page) Submission of Terminal Disclaimer (1 page)

Terminal Disclaimer to Obviate a Double Patenting (1 page)

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				Art Unit	1624		· · · · · · · · · · · · · · · · · · ·	
(to be used for	all corresp	ondence after initial	filing)_	Examiner Name	Rao,	Deepak R.		
Total Number of	Pages In '	This Submission	7	Attorney Docket Number	CNO	0821KD		
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Amendme	ent/Reply			Petition			Communication to TC   Notice, Brief, Reply Brief)	
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Date	Novem	nber 29, 2005			Reg. No.	29825		
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Under the Paperwork Reduction Act of 1995, on persons are required to respond to a collection of information unless it displays a valid OMB control number. Effective on 12/08/2004. Complete if Known Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818). 10/761977 Application Number Filing Date 01/21/2004 For FY 2005 First Named Inventor TULSHIAN, Deen Examiner Name Rao, Deepak R. Applicant claims small entity status. See 37 CFR 1.27 1624 Art Unit TOTAL AMOUNT OF PAYMENT (\$) 130.00 Attorney Docket No. CN0821KD METHOD OF PAYMENT (check all that apply) Credit Card Money Order Other (please identify): Deposit Account Name: Schering-Plough Corp. Doposit Account Deposit Account Number 19-0365 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s) ★ Credit any overpayments under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card Information and authorization on PTO-2038. **FEE CALCULATION** 1. BASIC FILING, SEARCH, AND EXAMINATION FEES **FILING FEES** SEARCH FEES **EXAMINATION FEES** Small Entity **Small Entity** Small Entity **Application Type** Fee (\$) Eee (\$) Fee (\$1 Fees Paid (\$) Fee (\$) EGA.(S) Fee (\$) Utility 300 150 500 200 250 100 Design 200 100 100 50 130 65 Plant 200 100 300 150 160 80 Reissue 300 150 500 250 600 300 **Provisional** 200 100 Λ 0 2. EXCESS CLAIM FEES Small Entity Fee Description Fee (\$) Fee (\$) Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25 Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 100 200 Multiple dependent claims 180 **Total Claims** Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims - 20 or HP = Fee Paid (5) Fee (\$) HP = highest number of total claims paid for, if greater than 20 Extra Claims Indep. Claims Fee (\$) <u>Fee Paid (\$)</u> -3 or HP = HP = highest number of Independent claims paid for, if greater than 3 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee Paid (\$) - 100 = / 50 = (round up to a whole number) x 4. OTHER FEE(S) Fees Paid (\$) Non-English Specification, \$130 fee (no small entity discount) Other: Fee for Terminal Disclaimer to Obviate a Double Patenting ... \$130.00 SUBMITTED BY Registration No. Signature Telephone 908-298-5067 (Attorney/Agent) 29825

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Date

<u> 11/2</u>9/05 -

ANITA W. MAGATTI

PATENT CASE CN0821KD

Examiner: Deepak R. Rao

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Deen Tulshian et al

For Patent For:

High Affinity Ligands for

Nociceptin Receptor ORL-1

Serial No.: 10/761,977

Filing Date: January 21, 2004

Schering-Plough Corporation Kenilworth, New Jersey 07033-0530

Art Unit: 1624

Mail Stop Amendments Commissioner for Patents PO Box 1450 Alexandria VA 22313-1450

## SUBMISSION OF TERMINAL DISCLAIMER

Sir:

This is in response to the Office Action mailed November 9, 2005, a response to which is due February 9, 2006.

Pending claims 3, 4, 7, 8, 21 and 22 were rejected for obviousness-type double patenting over the claims of co-owned US 6,727,254.

A Terminal Disclaimer over US 6,727,254, including the authorization to charge the required fee, is enclosed.

Reconsideration and withdrawal of the rejection for double patenting and allowance of claims 3, 4, 7, 8, 21 and 22 are respectfully requested.

Respectfully submitted,

Anita W. Magatti

Reg. No. 29,825

Attorney for Applicants

(908) 298-5067

Approved for use through 07/31/2006. OMB 0651-0031

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In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application and is brinding upon the grantee, its successors or assigns.  In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 134 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:  expires for failure to pay a maintenance fee; is held unerforceable, is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.  Check either box 1 or 2 below, if appropriate.  1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowared to act on behalf of the business/organization.  I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the fike so made are punishable by fine or imprisorment, or both, under Section 1001 of 118 18 of the United States Code and that such willful false statements any leopardize the validity of the application or any patent issued thereon.  2. ***Interminal disclaimer fee under 37 CFR 1.20(d) included.**  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  **Statement under 37 CFR 3.73(b) is required if termina	REJECTION OVER A "PRIOR" PATENT	CN0821KD
Filed: 01/21/2004  For: HIGH AFFINITY LIGANDS FOR NOCICEPTIN RECEPTOR ORL-1  The owner*	In re Application of: TULSHIAN, Deen et al.	
The owner' SCHERING CORPORATION of 100% percent interest in the Instant application hereby disclaims, except as provided below, the terminal part of the stabulary term of any petent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,727,254 — se the term of said prior patent is 18.0, 18.2, 184 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent agrunted on the instant application shall be enforceable only for and during such period that it and the price are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.  In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would other to the expiration data of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent is presently shortened by any terminal disclaimer, in the event that said prior patent is presently shortened by any terminal disclaimer, in the event that said prior patent letter; is shelf unentroceable; is found invelid by a court of competent jurisdiction; is statutorly disclaimed in whole or terminally disclaimed in whole or terminal provided in the said statutory term as presently shortened by any terminal disclaimer.  Check either bux 1 or 2 balow, if apprepriate.  1.	Application No.: 10/761977	
The owner', SCHERING CORPORATION of 100% parcent interest in the Instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any petant granted on the instant application which would extend beyond the expiration date of the full statutory term prior patient No. 6,727,754 — se he term of earli prior patient in 35 U.S.C. 134 and 173, and as the term of add prior patient is gressiny shortened by any terminal displaimer. The owner haraby agress that any patient acquired on the instant application shall be enforceable only for and during such patient. The owner haraby agress that any patient acquired on the instant application and is brinding upon the grantee, its successors or assigns.  In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patient are commonly owned. This agreement is presently shortened by any terminal disclaimer, in the event that said prior patient is presently shortened by any terminal disclaimer, in the event that said prior patient is presently shortened by any terminal disclaimer, in the event that said prior patient later.  **expires for failure to pay a maintenance feet statutory term as defined in 35 U.S.C. 134 and 173 of the prior patient, "as the term of said prior patient is presently shortened by any terminal disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reasonable control patient patient is presently shortened by any terminal disclaimer.  Check either box 1 or 2 balow, if apprepriate.  1. I pro submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.  I hereby declare that all stetlements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the firm	Filed: 01/21/2004	
except as provided below, the terminal part of the sistutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent to. 6, 727, 254_ as the term of said prior patent is defined in a \$1 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent acquired on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.  In making the above disclaimer, the owner does not disclaim the terminal pert of the term of any patent granted on the instant application and is binding upon the grantee, its successors or assigns.  In making the above disclaimer, the owner does not disclaim the terminal pert of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent is presently shortened by any terminal disclaimer. In the event that said prior patent later, so the prior patent is presently shortened by a recurrence there, is should be a court of competent jurisdiction; is should be said to whole or terminally disclaimed in whole or terminally disclaimed the whole of the said terminal disclaimed to the said terminal disclaimer.  Check either box 1 or 2 below, if appropriate.  1. For submissions on behalf of a business/organization (a.g., corporation, partne	For: HIGH AFFINITY LIGANDS FOR NOCICEPTIN RECEPTOR ORL-1	
would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent leter: expires for failure to pay a maintenance fee; is held unentforeable; is found invalid by a court of competent jurisdiction; is statutority disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims cancebed by a reexamination cartificate; is relisaed; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.  Check either box 1 or 2 below, if appropriate.  1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowared to act on behalf of the business/organization.  I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements and yleopardize the validity of the application or any patent issued thereon.  2. X The undersigned is an attorney or agent of record. Reg. No. 2825  WARNING: Information on this form may become public. Credit card Information should not be included on this form. Provide credit card information and authorization on PTO-2038.  *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assigned (owner).  Form PTO/SB/96 may be used for making this certification, See MPEP § 324.  This callection of information is required by 37 CFR 1.321. The information is retain a benefit by the public which is to file (and by the USPTC to process) and application. Conditions are such as the condition of t	except as provided below, the terminal part of the statutory term of any petant granted on the instant the expiration date of the full statutory term prior patent No. 6.727.254 as the term of said and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The granted on the instant application shall be enforceable only for and during such period that it and the terminal disclaims.	application which would extend beyond prior patent is defined in 35 U.S.C. 154 owner hereby egrees that any patent so prior patent are commonly owned. This
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.  I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the fike so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.  2. If the undersigned is an attorney or agent of record. Reg. No. 28825  ANITA W. MAGATTI  Typed or printed name  908-298-5067  Telephone Number  Terminal discialmer fee under 37 CFR 1.20(d) included.  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  Form PTO/SB/96 may be used for making this certification. See MPEP § 324.  This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTC to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete	would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found inveiled by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or	prior patent, *as the tam of said prior
etc.), the undersigned is empowered to act on behalf of the business/organization.  I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.  2.   The undersigned is an attorney or agent of record. Reg. No. 28829  ANITA W. MAGATTI  Typed or printed name  908-298-5067  Telephone Number  Terminal discalamer fee under 37 CFR 1.20(d) included.  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).	Check either box 1 or 2 below, if appropriate.	
belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.  2.   The undersigned is an attorney or agent of record. Reg. No. 29829  The undersigned is an attorney or agent of record. Reg. No. 19829  ANITA W. MAGATTI  Typed or printed name  908-298-5067  Telephone Number  Terminal discialmer fee under 37 CFR 1.20(d) included.  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  "Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  Form PTO/SB/96 may be used for making this certification. See MPEP § 324.  This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTC to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is eatimated to take 12 minutes to complete	For submissions on behalf of a business/organization (e.g., corporation, partnership, universit etc.), the undersigned is empowered to act on behalf of the business/organization.	y, government agency,
Signature Date  ANITA W. MAGATTI  Typed or printed name  908-298-5067  Telephone Number  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.  This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTC to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete	belief are believed to be true; and further that these statements were made with the knowledge that made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United	t willful false statements and the like so
Signature  ANITA W. MAGATTI  Typed or printed name  908-298-5067  Telephone Number  **Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  **Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  **Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  **This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTC to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete	2. X The undersigned is an attorney or agent of record. Reg. No. 29825	
ANITA W. MAGATTI  Typed or printed name  908-298-5067  Telephone Number  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  Form PTO/SB/96 may be used for making this certification. See MPEP § 324.  This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTC to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete	ayul	11/28/05
Teminal disclalmer fee under 37 CFR 1.20(d) included.  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.  This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTC to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete	Signature	Date
Telephone Number  Telephone Number  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  Form PTO/SB/96 may be used for making this certification. See MPEP § 324.  This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTC to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete	ANITA W. MAGATTI	
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including garnering, preparing, and submitting the complete application for the other law way depending glob in the individual case. An other law way depending glob in the mount of time you require to complete like form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Petent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.